

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSEPH OLIVER CONSTRUCTION, LLC, et  
al.,**

Plaintiffs,

v.

**UTICA FIRST INSURANCE COMPANY,**

Defendant.

**CIVIL ACTION**

**NO. 19-4352-KSM**

**ORDER**

**AND NOW**, this 7th day of July, 2020, upon consideration of Defendant Utica First Insurance Company's Motion to Dismiss (Doc. No. 7), Plaintiffs Joseph Oliver Construction, LLC and Amanda and Brian Burke's response brief (Doc. No. 10), Utica First's reply brief (Doc. No. 11), and for the reasons set forth in the Memorandum, it is hereby **ORDERED** that Utica First's motion is **GRANTED**. Because the Burkes lack standing to sue Utica First, the Burkes' declaratory judgment claim against Utica First is **DISMISSED WITH PREJUDICE**, and the Burkes are **DISMISSED as parties** to this matter. **IT IS FURTHER ORDERED** that Oliver's declaratory judgment claim against Utica First is **DISMISSED WITHOUT PREJUDICE** because it is premature.

**IT IS SO ORDERED.**

**/s/KAREN SPENCER MARSTON**

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KAREN SPENCER MARSTON, J.